

REMARKS

The Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

I. Claims

The Office Action states that “allowable subject matter would be isolated polynucleotides encoding polypeptides comprising SEQ ID NO: 2 and isolated polynucleotides comprising SEQ ID NO: 7, without any functional language, percent identity or fragment language.” (Office Action at page 7). The Applicants have amended the claims to conform with the Examiner’s suggested allowable subject matter.

Claims 1-2, 4, 8 and 12-21 are requested to be canceled without disclaimer or prejudice thereof.

Claims 3 and 7 are currently amended. The amendments add no new matter.

This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

It is acknowledged that the amendments are made after final rejection of the claims. However, because the amendments either place the application in condition for allowance or at least in better condition for appeal, entry thereof by the Examiner is respectfully requested. After amending the claims as set forth above, claims 3, 5-7 and 9-11 are now pending in this application.

II. Claim rejections – 35 U.S.C. § 112, second paragraph: indefiniteness

Claims 3-11 are rejected under 35 U.S.C. § 112, second paragraph, as allegedly being “indefinite for failing to point out and distinctly claim the subject matter which applicant regards as the invention.” (Office action at pages 2-3). Specifically, the Office Action asserts that the phrase “associated with a cell proliferation disease” is unclear. The Applicants respectfully traverse the rejection. However, to expedite prosecution, claims 4 and 8 have been canceled and claim 3 and 7 have been amended to omit the phrase “associated with a cell proliferation disease,” thereby obviating the rejection. Accordingly, the Applicants respectfully request reconsideration and withdrawal of the rejection.

III. Claim rejections – 35 U.S.C. § 112, first paragraph: enablement

Claims 3-11 are rejected under 35 U.S.C. § 112, first paragraph, because allegedly, the specification is not enabling for sequences having 95% identity to SEQ ID NO: 2 or SEQ ID NO: 7 or for sequences “associated with a cell proliferation disease.” (Office Action at pages 3-6). The Applicants respectfully traverse the rejection. However, to expedite prosecution, claims 4 and 8 have been canceled and claim 3 and 7 have been amended to omit the phrase “associated with a cell proliferation disease,” and to omit language related to 95% sequence identity. Accordingly, the rejection is obviated, and the Applicants respectfully request reconsideration and withdrawal of the rejection.

IV. Claim rejection – 35 U.S.C. § 112, first paragraph: written description

Claims 3-11 are rejected under 35 U.S.C. § 112, first paragraph, because allegedly, the specification does not provide written description support for sequences having 95% identity to SEQ ID NO: 2 or SEQ ID NO: 7, fragments of SEQ ID NO: 2 or SEQ ID NO: 7, or for sequences “associated with a cell proliferation disease.” (Office Action at pages 6-7). The Applicants respectfully traverse the rejection. However, to expedite prosecution, claims 4 and 8 have been canceled and claim 3 and 7 have been amended to omit the phrase “associated with a

cell proliferation disease,” to omit language related to 95% sequence identity and to omit language related sequence fragments. Accordingly, the rejection is obviated, and the Applicants respectfully request reconsideration and withdrawal of the rejection.

V. Conclusion

The present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

If any extensions of time are needed for timely acceptance of papers submitted herewith, the Applicants hereby petition for such extension under 37 C.F.R. § 1.136 and authorize payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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